

REMARKS

This Amendment is being filed in response to the Office Action mailed June 25, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 11-24 remain in the Application, where claims 1-10 have been canceled without prejudice by this amendment, and claims 1, 17, 19 and 23-24 are independent. Applicant reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, claims 11-24 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', and deleting reference designations typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 11-24 were not made in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner indicated that the title of the invention is not sufficiently descriptive, and required a new title. In response, the current title has been deleted and substituted with a new title which is clearly indicative of the invention to which the claims are directed.

In the Office Action, the Examiner objected to the Abstract for a certain informality. In response, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice and does not include the informality noted by the Examiner. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

In the Office Action, the drawings are objected to for including reference designations that have upper case letters, while the specification has lower case letters. To obviate this drawing objection, the specification has amended to change certain reference designations having lower case letters to upper case letters consistent with the drawings. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

In the Office Action, the Examiner indicated that claims 17, 19 and 23-24 would be allowable if rewritten in independent form.

Applicants gratefully acknowledge the indication that claims 17, 19 and 23-24 contain patentable subject matter. By means of the present amendment, claims 17, 19 and 23-24 have been rewritten in independent form. Accordingly, allowance of claims 17, 19 and 23-24 is respectfully requested.

In the Office Action, claims 11-14 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0080700 (Watanabe). Further, claims 15-16 and 18 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Watanabe in view of U.S. Patent No. 4,847,708 (Furuyama). Claim 20 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Watanabe in view of U.S. Patent No. 6,222,340 (Kawabata). Claim 21 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Watanabe in view of U.S. Patent No. 6,317,394 (Ohshita). Claim 22 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Watanabe and Ohshita in view Furuyama. It is respectfully submitted that claims 11-16 and 18 are patentable over Watanabe, Furuyama, Kawabata and Ohshita for at least the following reasons.

Watanabe is directed to an optical disk apparatus for

reproducing and recording information from/to an optical disk. As recited in paragraphs [0097]-[0098] low pass filter 24, 28 are used to filter out noise to obtain a tracking error signal and generate a total light amount signal.

Furuyama is directed to a method and apparatus for automatically searching a desired track position on an information recording medium. The search is carried out based on the existence and non-existence of a reproduced radio frequency (RF) signal which is reproduced from the information recording medium.

It is respectfully submitted that Watanabe and Furuyama, alone or in combination, do not teach or suggest the present invention as recited in independent claim 11 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein said control circuit is capable of operating in at least a first operating mode wherein said control signal for said radial actuator is generated on the basis of a tracking error signal derived from wobble-induced signal components of said optical detector output signal using a band-pass filter centered at a wobble frequency.


These features are nowhere disclosed or suggested in Watanabe, Furuyama, and combination thereof. Kawabata and Ohshita are cited to allegedly show other features and do not remedy the deficiencies

in Watanabe and Furuyama. Accordingly, it is respectfully submitted that independent claim 11 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 12-16, 18 and 20-22 should also be allowed at least based on their dependence from amended independent claim 11.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
September 24, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101